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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,753	01/24/2002	James Stanley Spencer	089654-000000US	9919
20350 7590 03/19/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER TARAE, CATHERINE MICHELLE	
			ART UNIT 3623	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/056,753	SPENCER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	C. Michelle Tarae	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on December 22, 2006. Claims 1-36 are currently pending in this application. Claims 30-35 have been withdrawn from further consideration based on Applicant's election of claims 1-29. Claims 1-29 are rejected below.

Examiner notes that she is a new examiner to the application.

#### ***Response to Election/Restriction Requirement***

2. Applicant's have elected group I, claims 1-29. Claims 30-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 20, 2006.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "adapted to" does not positively recite the limitations of the claims causing the claims to be indefinite. Appropriate correction is required.

***Claim Objections***

5. Claim 4 is objected to because of the following informalities: Claim 4 recites "the said" constraint. Appropriate correction is required.

***Claim Rejections – 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 6-11, 14-16, 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard (U.S. 6,041,173).

As per claims 1, 16 and 27, Howard teaches a method of integrated natural resource management comprising:

storing and managing resource management information associated with defined geographic units in a database, including storing spatial and non-spatial information associated with the defined geographic units (col. 3, lines 16-18 and 55-61; col. 4, lines 21-41; Information such as trees grouped into geographic units (i.e., spatial) as well as accounting and forestry management practices (i.e., non-spatial) are stored and managed in the database.);

preparing resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units (col. 4, lines

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29-41; Accounting and forestry management actions (i.e., resource activity plans) are maintained in the database.);

tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information (col. 6, lines 40-44; The Simulation Control Object tracks the results of management actions performed on the resources over a period of time.); and

updating the resource management information based on the tracking of actual results (col. 7, lines 37-57; col. 14, line 25; For each simulation performed, the resource management information is tracked and updated.).

As per claim 6, Howard teaches the information comprises feedback from actual results of managing the natural resource according to the resource activity plans (col. 6, lines 40-44; The Simulation Control Object tracks the results of management actions performed on the resources over a period of time.).

As per claims 7 and 22, Howard teaches preparing the resource activity plans comprises preparing a plan for harvesting the natural resource within the geographic units (col. 2, lines 18-21; col. 4, lines 29-37; The resource activity plans include harvesting a natural resource within a geographic unit.).

As per claims 8 and 23, Howard teaches preparing a plan for developing infrastructure for use in supporting harvesting the natural resource (col. 14, lines 52-64; col. 16, lines 54-62; Table 11; Several management actions are planned to support the harvesting of the natural resource.).

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As per claims 9 and 24, Howard teaches preparing a plan for maintaining and deactivating infrastructure for use in supporting harvesting the natural resource (col. 14, lines 52-64; col. 16, lines 54-62; Table 11; Several management actions are planned to support the harvesting of the natural resource.).

As per claims 10 and 25, Howard teaches preparing a plan for reclamation of the defined geographic units following the receipt of update information pertaining to the effects of harvesting the natural resource (col. 14, lines 52-64; col. 16, lines 54-62; Table 11; Several management actions are planned to support the harvesting of the natural resource.).

As per claims 11 and 26, Howard teaches preparing a silviculture related plan (col. 4, lines 29-41; Management actions include forestry related plans.).

As per claims 14-15, Howard teaches verifying the resource activity plans comply with one or more silviculture prescriptions associated with the defined geographic units, including comparing one or more quantitative constraints in the silviculture prescription with ecological data stored in the database for the at least one of the defined geographic units. (col. 7, line 65-col. 8, line 6).

As per claim 28, Howard teaches a resource activity management system adapted to provide users with views of the resource activity plans and adapted to compare the resource activity plans with the actual results tracked by the actual results tracking system (col. 2, lines 9-12; Figures 1 and 11).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5, 12-13, 17-21, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remsoft Inc.

As per claims 2, 5, 12-13, 17 and 20-21, Howard does not expressly teach the activity plans notify a user when a resource activity plan is affected by updates to the resource management information; or notifying a user when changes in conditions of the resource management information have an impact on resource activity plans. However, it was old and well known at the time of Applicant's invention to notify users when an activity is affected by a change to the data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Howard to notify a user when an activity plan is affected by an update to the resource information because notifying a user makes them aware of a change to a plan, thereby enabling the user to take any necessary action in response to the change in a timely manner.

As per claims 3 and 18, Howard does not expressly teach the resource information stored comprises constraint information based on laws and regulations applicable to the defined geographic units and wherein the constraint information is relied upon in the preparation of resource activity plans. However, it was old and well

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known at the time of Applicant's invention to adhere to laws and regulations applicable to a defined geographic unit in a natural resource management system. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Howard to have the resource information comprise constraints based on laws and regulations applicable to defined geographic units because doing so ensures that the actions performed on the geographic units adhere to the particular laws and regulations of those units.

As per claims 4 and 19, Howard does not expressly teach the information comprises constraint information based on customer orders for the natural resource or for products derived from the natural resource and wherein the said constraint information is relied upon in the preparation of resource activity plans. However, Howard does teach tracking income, expenses and rate of return (col. 14, line 64-col. 15, line 2; col. 18, lines 35-65), which can be affected by customer orders. Additionally, it was old and well known at the time of the invention to use the demand for an item (i.e., customer orders) as a constraint for how much of the item to produce so as to maximize revenue and profit. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Howard to have the information be constrained by customer orders for the natural resource or products derived from the natural resource because doing so provides the simulation system with additional data to use, thereby providing the system with comprehensive data with which to model its accounting data such as income, expenses and rate of return (col. 18, lines 35-65).



As per claim 29, Howard does not explicitly teach the customer tracking system adapted to store and track customer information and requirements including delivery requirements wherein product inventory movements can be monitored by the product inventory management system to verify that actual product inventory that is in the process of being harvested for delivery will be delivered to customers in accordance with delivery requirements of such customers. However, it was old and well known at the time of Applicant's invention to have a delivery schedule with a harvest schedule, including the delivery requirements. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to add a delivery requirements feature for the inventory being harvested to provide an efficient means for moving the product through the distribution/harvesting system.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parad (U.S. 5,369,570) discusses a method and system for integrated resource management;
- Sorvik (U.S. 6,341,632) discusses a method and system for timber harvesting and forestry; and
- Chai (U.S. 6,675,848) discusses harvesting timber trees.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
C. MICHELLE TARAE  
PRIMARY EXAMINER

March 15, 2007